

OUR MILITIA EULOGIZED

That nearly one hundred per cent of the regiment "could be depended upon in an emergency," that "the quickness and quietness of the entraining were perfect" on leaving for the annual encampment, that the companies are without exception "efficient in the use of their arms," that one company is "very efficient" in this respect, that the drill of the hospital corps "is quite as good as that of a like unit in the regular service," and that the signal corps "are a reliable and well instructed command and are a credit to the National Guard of Hawaii," while "the two-flag" system used by them "is much in advance of the method used in" the United States "infantry commands"—surely such encomiums passed upon the militia force of this Territory by the authorized inspecting officer of the regular army would be received with feelings of justifiable pride by the officers and men of the national guard of any State or Territory in the Union.

Major Van Vliet, commanding the garrison of the U. S. 10th Infantry at Camp McKinley, Honolulu, bestows all of the praise just quoted upon the National Guard of Hawaii, in his report of inspection of that body in its annual encampment held in February last. Extracts from the report were yesterday transmitted in the following circular from Col. J. W. Jones, adjutant general, to the officers commanding the different units of the regiment:

Territory of Hawaii.
The Adjutant General's Office, Honolulu.

June 13, 1907.

Circular No. 1.
The following extracts from the inspection report of Major R. C. Van Vliet, U. S. 10th Infantry, are published for the information of all concerned:

The organization of the regiment as it now stands is good. I believe this organization is zealous, rather efficient. . . .

I personally witnessed the entraining, which occurred before daylight, and the details, which consisted of the two companies from other islands connecting with the regiment—the furnishing of coffee and sandwiches to the entire regiment; the quickness and quietness of the entraining were perfect. The native Hawaiians, by their desire to learn and their obedience and good habits, make model soldiers in these respects. . . . Their conduct in camp was exemplary, not one case of confinement being reported.

The work in camp consisted of drills, guard and target practice—the latter particularly thorough.

I inspected in marching order with blanket rolls, after the command had been reviewed by Governor Carter. This was a practical inspection, and was much more satisfactory than last year in the armories. I recommend that all yearly inspections of the National Guard be made in camps, as in no other way can an intelligent idea be arrived at as to efficiency. Camp life, such as this, teaches men obedience. J. F. Cross ceases to be manager of

MOTHERS

should know. The troubles with multitudes of girls is a want of proper nourishment and enough of it. Now-a-days they call this condition by the learned name of Anemia. But words change no facts. There are thousands of girls of this kind anywhere between childhood and young ladyhood. Disease finds most of its victims among them. Some of them are passing through the mysterious changes which lead up to maturity and need especial watchfulness and care. Alas, how many break down at this critical period; the story of such losses is the saddest in the history of home. The proper treatment might have saved most of these household treasures, if the mothers had only known of WAMPOL'S PREPARATION and given it to their daughters, they would have grown to be strong and healthy women. It is palatable as honey and contains all the nutritive and curative properties of Pure Cod Liver Oil, extracted by us from fresh cod livers, combined with the Compound Syrup of Hypophosphites and the Extracts of Malt and Wild Cherry. In building up pale, puny, emaciated children, particularly those troubled with Anemia, Scrofula, Rickets, and Bone and Blood diseases, nothing equals it; its tonic qualities are of the highest order. A Medical Institution says: "We have used your preparation in treating children for coughs, colds and inflammation; its application has never failed us in any case, even the most aggravated bordering on pneumonia." "The more it is used the less will be the ravages of disease from infancy to old age. It is both a food and a medicine,—modern, scientific, effective from the first dose, and never deceives or disappoints." "There is no doubt about it." Sold by all chemists throughout the world.

CROSS TO LEAVE THE WIRELESS

the Wireless Telegraph Company August first. He expects to go to Toronto then to visit his aged mother.

The reorganization of the wireless is now complete. Clinton J. Hutchins owns a controlling interest in the stock. The remainder is distributed among a number of holders, most of whom have taken it with the understanding that Hutchins is to hold the controlling interest. Cross is entirely out of the ownership, but is said to have realized very handsomely by the sale of his property in it.

Large plans for the improvement of the plant and the service are being prepared. Among other plans it is proposed to do away with the use of telephones in the transmission of messages, thus insuring absolute secrecy.

BINGHAM HALL TO BE REMODELED

Bingham Hall, in the Oahu College group at Punahou, is to be transformed from a dormitory to a tuition building, the new dormitories being capable of accommodating all the boarding students.

Lucas Brothers have obtained the contract for the work, which it is according to plans drawn by C. W. Emory, the price being \$7000. The shell of the building is brick. Radical changes in the interior construction are involved in the contract.

Ralph Johnstone of the Internal Revenue Department returned yesterday from Kona where he has been representing the government at the new Okolehau distillery. No commercial run-off of distilled liquor has yet been made.

how to care for themselves, and marksmanship, and makes them very nearly good soldiers.

I believe that nearly one hundred per cent of this command could be depended upon in an emergency. Requirements of Section 18, Act of January 1, have been fulfilled.

BAND.

Physical appearance, good; men robust and strong. . . . It is quite celebrated, and is an efficient musical organization.

At this inspection the appearance, and the uniformity of the contents, etc., of the packs exceeded all the other organizations, and they were complimented upon their military appearance.

COMPANY B.

Physical appearance, good; men robust and strong. Men are zealous and efficient and I believe reliable in case of emergency.

This company has had considerable gallery practice and range shooting and are efficient in the use of their arms.

COMPANY D.

Physical appearance, good; men robust and strong. A very good and efficient company; zealous, and I think would be reliable in emergency. This company came by boat from the Island of Hawaii and joined the regiment at Honolulu, thence by train to camp station, thence by marching to camp. They have their own range up to 600 yards, and had much gallery practice and range work, and are efficient in the use of their arms.

COMPANY E.

The men are good physically and make a good appearance. The character was excellent in camp. They are, I think, efficient.

The company was inspected in camp in heavy marching order and exercised in battalion drill; they have had plenty of good target practice and are rather efficient in the latter. Their camp was neat and clean; their cooks were well instructed and kitchens neat and clean.

COMPANY F.

Physical appearance of men good; robust and strong. This company is well drilled and possesses the most expert shots in the regiment. I ordered this company to give a company drill in close and extended order, as an object lesson to the rest of the regiment, some companies of which are isolated upon other islands. Everything was excellently carried out. The company has had much gallery and range practice, and are very efficient in handling their arms, taking almost all the prizes offered for rifle shooting during the encampment.

COMPANY G.

Physically the men are robust and strong; seem efficient and reliable, and could be relied upon in emergency. This company has had much gallery practice and range firing, and are as a class efficient in the use of the rifle. There is much interest in rifle shooting.

COMPANY I.

Physical condition, good; men robust and strong. Nearly all rather efficient. This camp has been of great benefit and I find the company much improved. They came by boat from Maui to Honolulu, and there joined the regiment; thence by rail to camp station; thence by marching to camp. This company has had considerable gallery practice and range work, and they are efficient in handling their arms.

HOSPITAL CORPS.

Physical condition very good; zeal and character good and can be relied upon.

The drill of this corps is quite as good as that of a like unit in the regular service.

SIGNAL CORPS.

Physical condition, good. The men are of high character, zealous and efficient, particularly in signaling in the double flag. They are a reliable and well-instructed command and are a credit to the National Guard of Hawaii.

The two-flag system is much in advance of the method used in our infantry commands.

By order of the Governor,
JOHN W. JONES,
Adjutant General.

MAHUKA SITE OWNERS MAKE ANOTHER OFFER

The Mahuka site looms large again.

The various interests in the ownership have been busy, and have made financial arrangements for the opening of Bishop street from King to Merchant, thus fully complying with the conditions of the acceptance of the property by Special Agent Taylor. The Territorial Government has formally admitted that the agreement with Governor Carter has been fully complied with by the Henry Waterhouse Trust Company withdrawing the property. The way is clear for any other action the Mahuka site people may see fit to make, freed from any conditions imposed by Governor Carter.

Bishop street is to be opened from King to Merchant. The Territorial Government will accept the street as a public thoroughfare. The conditions imposed at the time of the acceptance of the site by the Federal Government will then be complied with. The property may yet be the site of the Federal building.

Such in a breath are the latest developments in regard to the site.

The so-called Mahuka site is owned by five interests, the Bishop Museum, the Austin Estate, the Cummings Estate, John Emmeluth and William Mahuka. It was offered as one tract as a site for the Federal building by the Henry Waterhouse Trust Company, which held options on all five of the interests. It was accepted by Special Agent of the Treasury Taylor on the condition that Bishop street should be opened through from King to Merchant. Application was made to Governor Carter for the aid of the Territory in opening Bishop street as required. The Governor would lend that aid only on condition that the Henry Waterhouse Trust Company would show within ten days that Bishop street could be opened through to the waterfront at a cost to the Government not exceeding \$17,500. If such showing could not be made, the property was to be withdrawn. The requirements of the Governor were met with the exception of the right of way through the Union Feed Company property, makai of Queen street, though this right of way is said to have been secured since. But not meeting them within the time limited by the Governor, as it was afterwards extended, the offer of the property as a Federal building site was withdrawn by cable to the Secretary of the Treasury. He replied that the withdrawal would not be accepted until after receipt of mail advice.

Such has been the situation for several days, and the Irwin lot loomed up as a prospective site.

But the Mahuka site people were busy. The cost of opening Bishop street from King to Merchant is \$35,000. If it were opened by condemnation proceedings the betterments would accrue to the several interests in the Mahuka property and the adjacent owners. Successful effort has been made to get each of these owners of bettered property to contribute voluntarily what he would be compelled to contribute under

condemnation proceedings. The five owners of the Mahuka site abate from the price they are to receive from the Federal Government, collectively \$17,500. The other \$17,500 is contributed by the owners of adjacent property in the proportion they would have to pay under condemnation proceedings. This provides the fund of \$35,000 for the opening of Bishop street from King to Merchant, and makes possible the fulfillment of the condition imposed by Special Agent Taylor. It abandons entirely all effort to comply with the condition imposed by Governor Carter that the street be opened to the waterfront. That is a matter that may come later. It will have to come later, if at all.

But it would be futile for the owners of the Mahuka site to open Bishop street through from King to Merchant, if, after it was opened, the Territorial Government refused to accept it as a street. Accordingly, the Henry Waterhouse Trust Company, by its president, R. W. Shingle, addressed the following letter to Superintendent of Public Works Holloway:

June 14, 1907.

C. S. Holloway, Superintendent, Public Works Department, City.

Dear Sir: If within sixty days from date, a proper deed is made by William Mahuka to the Territory of Hawaii, of a strip of land sixty (60) feet in width, extending from King street to Merchant street, along the southeasterly side of the so-called "Mahuka" site, proposed for the Federal building, to be used as a public street in Honolulu, for the consideration of one dollar, will you accept the same for the Territory of Hawaii?

Awaiting your reply, we have the honor to remain,

Very respectfully yours,
HENRY WATERHOUSE TRUST COMPANY, LTD.
ROBERT W. SHINGLE, President.

To that letter the following reply has been received:

Honolulu, T. O. H., June 14, 1907.
Henry Waterhouse Trust Co., Ltd., Honolulu.

Gentlemen: In reply to your communication of the 14th inst., I would say that I will be willing to accept, on behalf of the Territory of Hawaii, a proper deed for a strip of land sixty feet in width, extending from King to Merchant streets, along the southeasterly side of the so-called Mahuka site, for a nominal consideration, with the understanding that this property is to be dedicated to the public as a right of way for road purposes.

Yours respectfully,
C. S. HOLLOWAY,
Superintendent of Public Works.

Everything is therefore ready for what will be virtually a new offer of the Mahuka site under the conditions imposed by Special Agent Taylor. Bishop street will be opened from King to Merchant. Below that the opening of Bishop street is left to the future, though it seems extremely probable that it will be opened before very long. It is the Mahuka site redivivus.

SIX STEAMERS FOR AUSTRALIA RUN

The following appears in the New York Maritime Register:
A regular monthly service between San Francisco, Sydney, N. S. W., and Auckland, N. Z., will be established to take the place of the Oceanic S. S. Co.'s service which discontinued that route some time ago. The first steamer of the new line, the Forer, will leave San Francisco on August 10, to be followed monthly by the steamers Aymeric, Boveric, Inveric, Gymeric and Tymeric. H. M. Newhall is the general agent at San Francisco.

PUNAHOU COLLEGE PAYS HONOR TO A NOBLE WOMAN

A large and handsome audience assembled last evening at Oahu College, by invitation of the trustees, to meet Mrs. Susan L. Mills. The esteemed guest greeted not only her former students, now grown to be white-haired men and women on the downward slope of life, who have borne so well the burden and heat of the day through the helpfulness of her instruction and her friendship, but also those of more recent acquaintance, as well as those who have known the lady only through reports of kindly and large ministrations.

The occasion was a beautiful and worthy tribute to the appreciation of one who had given faithfully to the youth of Hawaii. Mauka of the assembly room stood the venerable guest, flanked upon one side by Prof. and Mrs. Alexander, Judge and Mrs. Dole, and on the other by President and Mrs. Griffin.

The kindly expression of Mrs. Mills gave evidence of no lapse of memory, as the long line of former pupils was greeted by oldtime names.

At nine o'clock conversation was interrupted by organ strains. Mr. Hastings playing Gounod's "March" and Delubac's "Lullaby." Afterwards, Mr. W. R. Castle entertained the company with reminiscences of old days, telling many tales out of school. After a number given by Mrs. Ingalls, "Legends" of John and "The Bee" of Schubert, accompanied by Miss Gertrude Brown, Judge Dole, at first recalling pleasant memories and then serious ones, followed. His tribute to the guest of the evening touched every one

present. Next on the program was the response of Mrs. Mills, which brought tears to the eyes of many, as she cordially thanked the trustees for their kind attentions, and then turned to the Punahou of forty years ago. Her interest in the school, in the individual pupils, has never waned, and her prayers have followed the institution through the years.

Mr. Hastings' rendering of Verdi's "Infelice" completed the program, after which conversation was renewed and refreshments indulged in.

At this time it was possible to enjoy the Waimanua Club—the gleeful club of the college—and to note the decorations of the room, so effective were they in hunting and greens, with lettered cards to be seen bearing the words MOUNT HOLYOKE—BATTICOTTA—OAHU—MILLS, which told the significant story of Mrs. Mills' life. At Mount Holyoke the thoughtful, aspiring young woman had been deeply impressed by the beauty of service. After leaving her Alma Mater she married Mr. Cyrus T. Mills, and the two, imbued with missionary zeal, went to India, where for seven years they worked.

Their next labors were at Punahou, where during the four years they endeavored themselves to a community and where Mrs. Mills' administrative ability and sterling character accomplished as much. "No years are fresher in my memory, none so altogether pleasant," she says.

But the islands did not hold them. Their next and last move was to California, where they established a school now known as Mills College, the only

CAMPBELL WILL CASE DECIDED

It looks as if the Campbell will construction troubles have been finally composed. Judge Robinson's decree

construction is affirmed, as containing no error, in a unanimous opinion of the Supreme Court, written by Justice sustaining the demurrers of certain of the respondents to the latest bill for Wilder and rendered Friday.

Holmes & Stanley represented the plaintiffs, these being the trustees under the will of the late James Campbell, who brought the suit to make sure that they committed no mistake in disbursing the income of the very rich estate. Attorneys for the respondents—the wife, children and grandchildren of the decedent—were S. H. Derby, E. M. Watson, A. G. M. Robertson, E. C. Peters and C. F. Peterson. Those for the wife and children assented to the prayers of the bill for the most part. The decision favors the grandchildren, as it lengthens the period before the administration is decreed to have ended and the trust begun in which the wife and children were debarred from drawing income.

On this occasion the court reaffirms its former opinion constraining the will, which it appears the trustees did not feel covered all the dangerous ground for them. In the former submission the court rejected the contention that the paying of income to the children and widow should date from February 10, 1902, when all of the debts, expenses and legacies were paid. It also appearing that the administration was actually closed and the property ordered distributed on July 3, 1905. This latter is the date now affirmed as the end of administration and the beginning of the trusteeship. A contention on behalf of the grandchildren that the date from which income should be computed and paid to the life tenants should be July 28, 1905, the date of filing of receipt by the trustees for the property, is held without merit. "For the reason that the testator has made the date of the decree of distribution the one to be followed." This is only a loss of twenty-five days to them against a gain of three years and nearly five months they make over the contention of the other parties. Part of the syllabus reads thus:

"Where the income of a testator's residuary estate is given to the widow and children for life and the will prescribes the date of the order of distribution as the time from which such income should be paid (which date in this case was July 3, 1905), the widow and children are only entitled to income which accrues from and after that date."

The will made provision for maintenance of the widow and children during the administration period, and the income payable under the trust was to be divided every six months, beginning with the children the same time as with the wife, and their portion payable to them, share and share alike, "from and after their respective majority or marriage."

BETWEEN MOTHER AND CHILDREN.

A submission without action has been made to the Supreme Court by J. O. Carter, trustee, v. Mary H. S. Davis and Henry A. P. Carter and Grace S. Carter, minors. Plaintiff is trustee under a quitclaim deed made on March 8, 1879, between Helen Seymour Judd of the first part and Harriet B. Judd, and the executors of the will of the late Dr. Gerrit P. Judd, and J. O. Carter, respectively, conveying all interests in Sweet Home premises, Honolulu. Later, in a friendly suit, there has been a partition of the premises in question between the heirs of the late H. A. P. Carter, grandfather of the minors in this suit, whose father was the late Charles L. Carter and mother is Mrs. Davis by a second marriage and the first-named respondent in this submission.

There still remains in the hands of the trustee a part of the premises containing 1.482 acres, and the question submitted to the court is who, as between Mary H. S. Davis on the one hand and Henry A. P. Carter and Grace S. Carter on the other hand, is or are entitled to a conveyance from plaintiff of ten undivided elevenths of said 1.482 acres.

CASE SUBMITTED.

Samuel Noar, administrator of the estate of Isaac Noar, deceased, v. C. B. Bosse was argued and submitted, on defendant's exceptions from First Circuit Court, in the Supreme Court yesterday. With Chief Justice Frear and Justice Wilder sat Circuit Judge Lindsay in place of Justice Hartwell, absent from the Territory. C. W. Ashford for plaintiff; Holmes & Stanley and C. O. Olson for defendant.

Judge Dole held another session of the Manchuria salvage case yesterday, devoted to the reading of depositions. Much of the time nobody was present, besides the judge, but Mr. Ballou for the libellant, Mr. McClellan for the libellee and the faithful bailiff.

college for women this side of the Rockies. This institution has had a natural and steady growth, and amid lovely surroundings, has developed in the ways its founders most desired, and far beyond their expectations.

The womanhood of California and outlying regions bear testimony to the generous opportunities provided them and to the impress made by a strong character. What crown more royal than the establishment of such work! Like wisdom, it is beyond the price of rubies.

It is well now and then for a community to stop and to take full inventory of its indebtedness. And to whom may larger indebtedness be than to the teachers of our children, the men and women who, without stint, give the very best that is in them to make strong and beautiful the youth of our homes? Oahu College honored herself last evening in honoring one of her teachers.

DISCRETION, NOT CAPRICE

The Board of License Commissioners held another meeting Friday afternoon. At this meeting opinions by Attorney General Peters on several points of the new liquor law, which had been requested, were presented. Among these was the opinion holding that Act 25 of the Session Laws of 1905 which provides for the dispensing of liquor to members of social clubs, is still in force.

In another the Attorney General held that the board had power to grant hotel and restaurant licenses and at the same time to refuse an application to exercise the license at all times after the usual closing hours and on Sundays and during election hours. Such a request, it is held, is gauged by the same rules as any ordinary application for a license and may be refused by the board should it in the exercise of its sound discretion deem such action advisable.

An opinion on a very important question raised by Commissioner Lucas, holds that the discretion reposed in the board to grant or refuse licenses is a sound legal discretion, to be exercised wisely and not arbitrarily or according to caprice or prejudice. At the same time there is nothing in the opinion, as there is nothing in the act, to indicate how the question can be raised and tested as to whether any particular act of the board was within the legal discretion of the board or was the result of whim or caprice, provided the action was formulated according to the usual course of proceedings. In fact there is a very widespread opinion that so long as the board carries out the forms of examination, consideration and action, there is no way of showing, even if it should be the fact, that the action itself was the result of prejudice or caprice.

During the course of the meeting Attorney General Peters was asked to appear before the board and an informal conference between him and the board took place as to the powers and duties of the board and appropriate methods of procedure.

The text of the Attorney General's opinion on the powers and discretion of the board is as follows:

June 13, 1907.
Opinion No. 524. In the Matter of the Interpretation of Section 4 of Act 119, Session Laws of 1907.

To the Honorable the Board of License Commissioners of the County of Oahu, Honolulu, H. T.

Gentlemen: Your request for the opinion of this department in the above entitled matter has met with my consideration and I beg to advise as follows:

The right of licensing boards to exercise discretion in granting and refusing licenses depends on the wording of the statutes regulating the licensing system. Under the local act subject to its conditions and limitations, the board may exercise its discretion in the grant, refusal, suspension or revocation of licenses. This discretion is a sound legal one, to be exercised wisely and not arbitrarily or according to caprice or prejudice. The term itself implies that the decision shall be the outcome of examination and consideration. In other words, it shall constitute the discharge of official duty and not a mere expression of personal will. An arbitrary disapproval, without an examination of relevant facts expressing nothing but the mood of the officer, is not the exercise of a discretionary power.

No better precedent can be followed than that of *Bradley v. Thurston*, reported in the 7th of Hawaiian Reports, at page 523. That case was an application for a writ of mandamus directed to the Minister of the Interior to compel him to grant to the relator a license to sell spirituous liquor. In his return, the Minister admitted the refusal to issue the license, and alleged that such refusal was for the reason that he deemed it undesirable in the public interest that a retail liquor station should be established or continued in the premises for which the license was requested and set forth various reasons for arriving at such conclusion. Obviously there had been an examination and consideration and bona fide exercise of discretion resulting in a decision based thereon.

And the court held: "Having decided that the Minister has a discretion, we are also of the opinion upon the construction of the statute and adopting the authorities cited and referred to that such discretion is absolute and is not subject to be reviewed or controlled by the court."

Power to regulate and control is to be interpreted along similar lines, but any and all rules and regulations must be reasonable and calculated only to carry out the purpose of the act. The foregoing is merely in the abstract to serve as a possible guide. Whether the grant or refusal of a license is the result of the exercise of sound discretion or a rule or regulation is within the powers of the board under the grant of power to "regulate and control licenses" depends upon each individual case. The scope of Section 4 can only be realized as questions are decided as they arise.

Hopeing that the foregoing meets with your request, I have the honor to be, gentlemen, very respectfully yours,
E. C. PETERS,
Attorney General.

SOMETHING EVERY FAMILY SHOULD KEEP.

Mr. L. P. Turner, of Grayville, Natal, has used Chamberlain's Colic, Cholera and Diarrhoea Remedy successfully in his home and writes the manufacturers of this medicine as follows: "We are never without this remedy in our house and it certainly deserves success as it is worth more than you claim for it." For pain in the stomach, diarrhoea or infantile cholera, this remedy has no equal. It has been used in many serious and dangerous cases and has never been known to fail. For sale by all Dealers. Benson, Smith & Co., Ltd., agents for Hawaii.